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August 2, 2006

Receiver: Srivastava, Kailash, C./Art Unit: 1655
USPTO

FAX # : (571) 273-8300

Sender: Leslie Russell, Patent Secretary for:
Jeffrey K. Weaver, Registration No. 31,314

Your Ref. No.: 10/719,988

Our Ref. No.: CYTOP135X1

Re: Response to Restriction Requirement

Pages Including Cover Sheet(s): 3

Fax Contents:

Fax Cover Sheet - 1 Page

Response to Restriction Requirement - 2 Pages

MESSAGE:

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AUG 12 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mattheakis et al.

Attorney Docket No.: CYTOP135X1

Application No.: 10/719,988

Examiner: Srivastava, Kailash, C.

Filed: November 20, 2003

Group: 1655

Title: PREDICTING HEPATOTOXICITY USING
CELL BASED ASSAYS

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, Attention Examiner Srivastava, Kailash, C. at facsimile telephone number (571) 273-7500 on August 2, 2006.

Signed: 
Leslie Russell

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

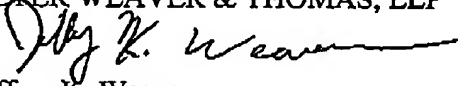
Dear Sir:

In response to the Restriction Requirement dated July 3, 2006, Applicants hereby elect, with traverse, Group I, claims 1-7 and 10-11 to prosecute in the above-identified patent application.

Applicants respectfully traverse the Restriction Requirement because it is believed that claims of Group II (claims 8 and 9) can be examined with little additional effort. Claims 8 and 9 depend from generic claim 1 and therefore include all features of claim 1. They additionally recite the use of "transformed or immortalized cells," which refers to the hepatocytes recited in claim 1. If the transformed/immortalized hepatocytes of claims 8 and 9 require searching in specific classes/subclasses, then any relevant prior art located in such search area should include a relation to the features recited in claim 1. This suggests that a search for the claims of Group I should subsume the class/subclass identified for Group II as well. It is respectfully requested that the claims of Groups I and II be joined and examined together.

If any fees are due in connection with the filing this Response to Restriction Requirement, the Commissioner is hereby authorized to charge such fees to Deposit Account 500388 (Order No. CYTOP135X1).

Respectfully submitted,
BEXER WEAVER & THOMAS, LLP


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